

## **REMARKS**

### **INTRODUCTION**

In accordance with the foregoing, claims 1, 3 and 5 have been amended and claims 6-8 are cancelled. Claims 1-5 are pending and under consideration. Claims 1, 2 and 4 are rejected.

### **PRIORITY**

The Japanese Patent Application upon which priority is based was submitted on August 20, 2004. Acknowledgement of the submission is requested.

### **REJECTIONS UNDER 35 U.S.C. §112:**

The Examiner objects to the language regarding the inlet of the second EGR passage being arranged at the upstream side of the turbine. However, present FIG. 2 appears to disclose this feature. Specifically, the second EGR passage 20A is arranged at an upstream side of the turbine 2a. Present Specification, p. 12, ln. 1-2.

Accordingly, withdrawal of the rejection is requested.

### **REJECTIONS UNDER 35 U.S.C. §102:**

*Claims 1-2 and 4 are rejected under 35 U.S.C. §102(e) as being anticipated by Minami*

Using independent claim 1 as an example, this claim recites "the second EGR passage is branched out on an upstream side of the exhaust gas purifying apparatus and the diesel particulate filter is arranged in said second EGR passage".

In contrast, the element 13 of Minami (relied on by the Examiner as corresponding to the claimed DPF) is not arranged in the passage 24 of this reference. In particular, this reference states (in paragraph [007]) that "in the exhaust pipe 7 on the downstream side of the exhaust turbine 81, there are arranged an oxidation catalyst 12, a DPF 13 and a second EGR passage 24 in the mentioned sequence from the upstream side".

The present arrangement has several advantages as compared to Minami. First, it is possible to cause EGR gas containing particulate matter (PM) such as soot and unburnt HC and so on to be purified through the DPF (21) and then to flow into the compressor, and accordingly

it is possible to prevent the compressor from undergoing a decrease in durability. (See present Specification, paragraph [0011]).

Second, EGR gas (Ge2) to be sent into the compressor 2b is purified through the DPF 2, so PM in the exhaust gas cannot enter the compressor 2b. Thus, the compressor 2b can be prevented from undergoing a decrease in durability. (See Present Specification, paragraph [0042]).

Furthermore, according to the EGR control, EGR gas is permitted to flow through the DPF 21 only when the exhaust gas temperature is higher than the regeneration temperature (See Present Specification, paragraph [0036]), so that clogging can be avoided and a regeneration control can be eliminated. In other words, when the exhaust gas temperature is low, PM does not continue to accumulate in the DPF 21 to cause clogging and/or melt damage (See Present Specification, paragraph [0041]).

Accordingly, withdrawal of the rejection is requested.

**REJECTIONS UNDER 35 U.S.C. §103:**

*Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami in view of Yasuma et al.*

The comments above also apply here. Yasuma et al. does not overcome the above deficiencies in Minami. Accordingly, withdrawal of the rejection is requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935..

Respectfully submitted,

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